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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR        | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/623,945      | 09/12/2000  | Franciscus L.A.J. Kamperman | PHN 17,285          | 2098             |

7590

05/20/2004

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| EXAMINER |
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KIM, JUNG W

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| ART UNIT | PAPER NUMBER |
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2132

DATE MAILED: 05/20/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/623,945

Applicant(s)

KAMPERMAN ET AL.

Examiner

Jung W Kim

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 10-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 10-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### **DETAILED ACTION**

1. Claims 1-24 have been examined.

#### ***Specification***

2. The disclosure is objected to because of the following informalities: on page 2, line 4, a period is missing; on page 4, lines 6-7, the sentence is not grammatical.

Appropriate correction is required.

#### ***Claim Objections***

3. Claim 20 is objected to because of the following informalities: claim 20 is defined as a dependent claim to itself. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 3 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 3 recites the limitations "the encoded data" and "the encoded signal".

There is insufficient antecedent basis for these limitations in the claim.

7. Claim 13 recites the limitation "the recorded signal". There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 101***

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 10-13 are rejected under 35 U.S.C. 101 because claims 10 and 12 are drawn to signals per se, not embodied on a computer-readable medium nor on an electromagnetic wave. See MPEP 2106 IV B. 1(a) and (c); *In re Warmerdam*, 31 USPQ2d 1754, 1760 (Fed. Cir. 1994); and *O'Reilly v. Morse*, 56 U.S. 62, 112-114 (1853). In addition, claims 10-13 are drawn to encoded data which is nonfunctional descriptive material, not a process, machine, manufacture, nor composition of matter. See MPEP 2106 IV B. 1(b) and *In re Warmerdam*, 31 USPQ2d 1754, 1760 (Fed. Cir. 1994).

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-4 and 10-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Linnartz PCT International Application Number PCT/IB96/00992 (hereinafter Linnartz). As per claim 3, Linnartz discloses a method of encoding input data (see Linnartz, page 1, lines 23-25), comprising the steps of:

- a. partitioning the data into frames (see Linnartz, page 2, lines 10-12; page 3, lines 6-10);
- b. determining a set of parameters for each frame (see Linnartz, page 1, lines 27-28; page 2, lines 9-12; page 4, lines 10-11);
- c. reducing the data rate of the input signal by applying an algorithm which is controlled by the parameter set whereby the encoded data includes the set of parameters or at least data which can be used to derive the parameter set and the data rate-reduced signal (see Linnartz, page 1, lines 27-28); and
- d. embedding supplemental data into the encoded signal, the parameter set is affected by the supplemental data (see Linnartz, page 3, lines 11-20; page 4, lines 10-13).

The aforementioned covers claim 3.

11. As per claim 4, Linnartz discloses a method of encoding input data as outlined above in the claim 3 rejection under 35 U.S.C. 102(b). In addition, the method includes a method of extracting information which is embedded in the parameter set of an encoded signal as defined in claim 3 (see Linnartz, page 1, lines 23-26; page 3, line 21- page 4, line 14).

12. As per claim 1, Linnartz discloses a method of encoding input data as outlined above in the claim 3 rejection under 35 U.S.C. 102(b). In addition, the supplemental data is derived from other data (see Linnartz, page 4, lines 28-29).

13. As per claim 2, it is a method claim corresponding to claims 1 and 4 and it does not teach or define above the information claimed in claims 1 and 4. Therefore, claim 2 is rejected as being anticipated by Linnartz for the same reasons set forth in the rejections of claims 1 and 4.

14. As per claims 10 and 12, Linnartz discloses a method of encoding input data as outlined above in the claim 1 and 3 rejections under 35 U.S.C. 102(b). In addition, the encoded data is a signal (see Linnartz, page 1, line 6).

15. As per claims 11 and 13, Linnartz discloses a method of encoding input data as outlined above in the claim 10 and 12 rejections under 35 U.S.C. 102(b). In addition, a data carrier comprises the recorded signal of claims 10 and 12 (see Linnartz, page 5, line 17).

16. As per claims 14-17, Linnartz discloses a method of encoding input data and a method of extracting information as outlined above in the claim 1-4 rejections under 35

U.S.C. 102(b). In addition, the method consists of an arrangement (see Linnartz, Figures 1, 2, and 4).

17. As per claims 18-24, Linnartz discloses a method of encoding input data and a method of extracting information as outlined above. In addition, the arrangement for performing the method is a disc player for audio and audio-visual media (see Linnartz, page 5, lines 4-24).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rhoads U.S. Patent No. 5,748,763.

Girod et al. U.S. Patent No. 5,809,139.

Cox et al. U.S. Patent No. 5,930,369.

Yamadaji U.S. Patent No. 6,192,138.

Wu et al. U.S. Patent No. 6,285,775.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jung W Kim whose telephone number is (703) 305-8289. The examiner can normally be reached on M-F 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (703) 305-1830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jung W Kim  
Examiner  
Art Unit 2132

Jk  
May 14, 2004

*Justin T. Darrow*  
JUSTIN T. DARROW  
PRIMARY EXAMINER